

REMARKS

Claims 15 and 31 are amended. Support for the amendment may be found, for example, in originally-filed claims 1 and 6, respectively, and in the specification at page 2, lines 24-37 and page 5, lines 1-2.

Claim 16 is cancelled.

Claims 15, 17-75 remain pending in the application.

Applicants respectfully note that claim 15 was omitted from the restriction requirement, and currently amended claim 15 now recites features similar to claim 16.

Responsive to the restriction requirement imposed in the outstanding Official Action, applicants provisionally elect Group II, claims 31-43, drawn to a concentrate which further comprises an active agent, one functional additive, and/or one auxiliary, with traverse.

The reasons for traverse follow.

The Official Action stated that Group I (claims 16-30) and Group II (claims 31-43) are unrelated because Group II has "more components which render different effects and the concentrates could not be used together".

However, the concentrates of Group I are used together with the concentrate Group II. Claims 31-43 comprise the concentrate of claim 15, which includes the features formerly recited in claim 16.

Moreover, applicants respectfully direct the Examiner's attention to MPEP 806.06 "inventions that are claimed are independent if there is no disclosed relationship between the inventions". Applicant's respectfully submit that there is a disclosed relationship between the concentrate of claim 15 and the concentrate of claim 31 (Specification page 2, lines 24-37 and page 5, lines 1-2).

Thus, claims 31-43 cannot be unrelated to claims 15, 17-30 for the restriction purposes.

The Official Action also stated that Group II (claims 31-43) and Group III (claims 44-75) were unrelated because Group II comprised an ingredient that is not found in Group III.

Claim 44 of Group III recites at least one active agent, at least one functional additive, and absent an auxiliary. Claim 31 of Group II recites a component selected from the group consisting of at least one active agent, at least one functional additive, at least one auxiliary, and mixtures thereof. Thus, claim 31, which is broader than claim 44, comprises the composition recited in claim 44. Accordingly, claim 44 cannot be unrelated to Group II for restriction purposes.

Moreover, claims 45-69 do not depend from claim 44, but depend from claim 31 of Group II. Thus claims 45-69 of Group III comprises the ingredients of claim 31 of Group II, and claims 45-69 cannot be unrelated to claims 31-43 for restriction purposes.

As to claims 70-75, these claims recite the concentrate of claim 15. As Group II also recite the concentrate of claim 15, there is a relationship between the invention of claims 70-75 and the claims of Group II: the concentrate of claim 15. Accordingly, claims 70-75 cannot be unrelated to claim 62 for restriction purposes.

The Official Action further stated that Group I (16-30) and Group III (44-75) were unrelated because the components of Group I are not found in Group III.


However, as claims 44 and claims 70-75 of Group III explicitly recite the concentrate of claim 15, components of Group I are found in Group III. Moreover, claims 45-69 recite the concentrate of claim 31, which recites the concentrate of claim 15 of Group I. Accordingly, Group III cannot be unrelated to Group I for restriction purposes.

In view of the above, the inventions of Groups I-III are related, as they are disclosed as being capable of being used together and all claims depend from claim 15. Accordingly, it is believed that the applicants are entitled to an action on the merits of all the pending claims in their full scope in the present application.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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